THE HON'BLE MS JUSTICE G.ROHINI

_

WRIT PETITION NO : 2403 of 2005

Dated: 07-11-2005

Between:

Smt. Shaik Mastan Bee

..... PETITIONER

AND

The District Collector,

Prakasam District, Ongole and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2403 of 2005

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in not allowing the petitioner to continue as a Fair Price Shop Dealer of Peridepi

Village of Kondepi Mandal, Prakasam District, as illegal and arbitrary.

It is not in dispute that the petitioner was appointed as permanent Fair Price Shop Dealer of the shop-in-question. The petitioner claims that the authorization was renewed from time to time upto 31-3-2004 and even beyond March, 2004 she has paid the requisite fee for renewal of the authorization and as such she is entitled to distribute the essential commodities, however, the respondents have illegally stopped supplying the essential commodities. Hence, the writ petition.

In the counter affidavit filed on behalf of the respondents, it is admitted that the authorization of the petitioner was renewed up to 31-03-2004. However, it is contended that thereafter she has not remitted the requisite fee for renewal of the authorization and as such she was not holding a valid authorization. It is also pleaded that she submitted her resignation and the same was accepted by the second respondent-Revenue Divisional Officer-Kondepi on 10-08-2004. It is further stated that since the resignation of the petitioner was accepted, one B.Mallikarjunara Rao, who is the Fair Price Dealer of Muppavaram village has been kept in-charge of the shop-in-question by proceedings dated 16-08-2004 and he has been distributing the essential commodities as of today.

The petitioner filed a detailed reply affidavit disputing the version of the respondents that the resignation of the petitioner was accepted on 10-08-2004. The petitioner contended that as a matter of fact, the resignation was obtained from her forcibly at the instance of the third respondent and in such circumstances, she made a representation on 09-08-2004 itself bringing all the facts to the notice of the second respondent-Revenue Divisional Officer and requesting to take appropriate action against all the persons concerned. The petitioner also stated that the said representation was received in the office of the second respondent-Revenue Divisional Officer on 10-08-2004 itself, however, the respondents have not taken into consideration the same and falsely claiming that the same was received only on 12-08-2004.

In the affidavit filed in support of the writ petition, the petitioner has also made certain allegations against the Fair Price Dealer of Muppavaram village by name B.Mallikarjuna Rao, who is kept in-charge of the shop of Peridepi village.

On the basis of the said allegations, learned counsel for the petitioner contends that the entire action of the respondents in not supplying essential commodities to the petitioner and placing the said B. Mallikarjuna Rao as in-charge Dealer of the Fair Price Shop in question is illegal, arbitrary and motivated.

As can be seen from the pleadings referred to above, evidently the matter involves several disputed questions of fact which cannot be enquired into by this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India. In fact, the in-charge dealer of the shop in question B. Mallikarjuna Rao is not made a party to this writ petition. It is also relevant to note that the petitioner is not running the shop-in-question from August, 2004 onwards.

In the circumstances, I deem it appropriate to direct the first respondent-District Collector, Prakasam District to conduct a detailed enquiry into the allegations made by the petitioner with regard to the alleged highhanded action of the staff of the respondents 2 and 3 as well as the allegations made against the Dealer of Muppavaram village-B.Mallikarjuna Rao and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. It is needless to mention that said enquiry shall be conducted after affording due opportunity to the petitioner as well as dealer of Muppavaram village to put-forth their own versions.

Accordingly, the writ petition is disposed of. No costs.

_____

G.ROHINI,J

07-11-2005

Note: Issue C.C. in one week.

B/o

klp/ghn